IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 28487 of 2007(N)

PETITIONER:

ABDUL KAREEM,
PUTHUPARAMBIL HOUSE,
CHERANCHIRA P.O.,
CHETHIPUZHA VILLAGE,
CHANGANACHERRY.

BY ADV. SRI.M.P.MADHAVANKUTTY

RESPONDENTS:

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1. CHANGANCHERRY MUNICIPALITY,
REPRESENTED BY SECRETARY,
CHANGANACHERRY.

2. SECRETARY,
CHANGANACHERRY MUNICIPALITY.

R1 & R2 BY ADV. SRI.SIBY MATHEW, SC.
SRI.A.A.MOHAMMED NAZIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 28487 OF 2007

Dated this the 16th day of October, 2007

JUDGMENT

In this Writ Petition under Article 226 the petitioner who claims to have been running a meat stall at Kurisumood within the limits of the 1st respondent Municipality is aggrieved in that his meat stall has been closed down by the Municipality pursuant to Ext.P3 show cause notice. He contends that Ext.P3 was not issued to him but was issued to the prior licencee. The Municipality in their counter affidavit inter-alia has stated that the petitioner has subsequently been served with a fresh closure notice and it is open to the petitioner to file his objections to that notice in which case the Municipality will consider those objections and pass fresh orders.

Heard Mr.M.P.Madhavankutty, counsel for the petitioner and Mr.A.A.Mohammed Nazeer on behalf of the Municipality. Mr.Madhavankutty submitted that the petitioner is yet to receive the fresh closure notice indicated in paragraph 4 of the counter affidavit. Mr.Nazeer submitted that but for a change in the name, fresh closure notice in all respects is same as Ext.P3. Having considered the above submissions, I am inclined to dispose of the Writ Petition issuing the following directions:

Petitioner will approach the 2nd respondent within 7 days of receiving copy of this judgment requesting that the copy of the fresh closure notice referred to in paragraph 4 of the counter affidavit submitted by the 2nd respondent be issued to him. If the petitioner so approaches the 2nd respondent, the 2nd respondent will hand over to the petitioner a fresh notice as requested by him. The petitioner within 10 days of receiving notice as directed above will file his objections. Thereafter the Municipality will hear the petitioner on those objections and take a fresh decision on the question as to whether the meat stall in question is liable to open and whether the petitioner is entitle for issuance of a licence in his favour. Orders as directed above will be passed at the earliest and at any rate within one month of the petitioner filing objections to the closure notice.

PIUS C. KURIAKOSE, JUDGE

btt